

Government of the District of Columbia  
ZONING COMMISSION



Application No. 12702, of Francis C. and Frances S. Rollins, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 for a new residential development and for variances from the floor area ratio (Sub-section 3302.1) and lot occupancy requirements (Sub-section 3303.1) to permit the proposed subdivision and conversion of four existing apartment buildings (sixteen units) into eight dwellings in the R-5-A District at the premises 2800-2806 and 2816-2822 - 2nd Street, S.E. (Square 5999, Lots 12, 13, 16 and 17).

HEARING DATE: September 20, 1978  
DECISION DATE: October 4, 1978

FINDINGS OF FACT:

1. The subject property is located on the east side of 2nd Street between Newcomb and Oakwood Streets, S.E., and is known as 2800-2806 and 2816-2822 - 2nd Street, S.E. The property is in an R-5-A District.

2. To the north, across Newcomb Street, there is a vacant lot formerly occupied by a large apartment complex which was razed. To the northeast across Newcomb Street, there is a new townhouse development called "Washington Overlook" under construction. To the east, there is a four foot high retaining wall followed by an alley. Across the alley there is an abandoned apartment complex. To the south, across Oakwood Street, there are apartment buildings of similar description to the subject premises. To the west, across 2nd Street, there is a wooded area followed by the Anacostia Freeway.

3. The subject property is improved with four, vacant two story brick apartment buildings containing four units each. The units were constructed about 1943. The buildings are located approximately ten feet above the street elevation. There is no off-street parking serving the buildings.

4. The applicant is requesting permission to convert and renovate the four existing vacant apartment buildings of sixteen units into eight dwellings, each of which will be individually owned. The Anacostia Economic Development Corporation, the contract purchaser, and a tax exempt organization intends to develop this property for sale to low and moderate income families. Each dwelling will contain three bedrooms, two full baths, a new kitchen, a family room and a new central heating and cooling system.

5. In the R-5-A District, a maximum of forty per cent lot occupancy is allowed. Three of the proposed sites, 2802, 2804 and 2820 - 2nd Street exceed the maximum allowable lot occupancy by thirty-two per cent. A variance is required, even though there will be no increase in the occupancy of the present building.

6. Residential development in the R-5-A District is limited to a floor area ratio of 0.9. Four of the eight proposed sites 2802, 2804, 2818 and 2820 - 2nd Street exceed the maximum floor area ratio by seventeen per cent. A variance is required because the existing building exceeds the 0.9 limit. There will be no increase in FAR as a result of this application.

7. The Zoning Regulations usually require that one off-street parking space per dwelling unit in the R-5-A District be provided. However, because the building was built prior to 1958 and because the intensity of use is being decreased, no parking is required.

8. The application was referred on June 6, 1978 to the Board of Education, the Department of Housing and Community Development, the Department of Transportation and Municipal Planning Office.

9. By memorandum, dated June 28, 1978, the Board of Education, reported that it had no objection to the proposed dwellings and that the construction would cause no impact upon school facilities in the area. The Board so finds.

10. By memorandum, dated July 11, 1978, the Department of Housing and Community Development, reported that the proposed rehabilitation would not cause any increase in demand for additional recreational and other services, that the conversion would appear to increase the opportunity for home ownership in an area which is undergoing some upgrading and that the conversion was thus consistent with the housing policies and objectives of the District of Columbia Government. The Board so finds.

11. By memorandum, dated July 24, 1978, the Department of Transportation noted that, while it did not favor the policy of not providing the required number of parking spaces in new or converted residential developments, it concurred in waiver of the requirement at the subject location because the conversion reduces the number of dwelling units in a relatively isolated area. Also, because of the street configuration surrounding the project, sufficient curb space is available to satisfy the parking needs of the future tenants. The Department reported that the vehicular traffic generated by the converted structures should cause no adverse impact on the adjacent street system. The Board so finds.

12. The Municipal Planning Office, by report, dated July 13, 1978, recommended that the special exception be granted since it will not cause detriment to the public good. As to the variances, they could be granted as in harmony with the general purposes of the Zoning Regulations. The MPO noted that as to the lot occupancy variance, there was the topographic constraints of the property and the existing exterior wall dimensions. As to the floor area ratio variance MPO noted that the proposed site plan and the surrounding area warrant a deviation from the Zoning Regulations and that it could not cause any adverse affect on the use of neighboring properties. The MPO reported that, there has been a great deal of change in land use within close proximity to the subject property. Large multiple story apartment complexes totaling over forty-three acres, most of which were built in the 1940's have either been abandoned, leaving boarded up shells, or completely razed. Where buildings have been razed, there is new development taking place in the form of townhouses. This new development, accompanied with the renovation, conversion and, finally, occupancy by home owners of these units has created a new stability within this area that will encourage the upgrading of the neighborhood. As to the proposal to provide no parking spaces, MPO reported that the existing buildings on the property were used as apartments. At the time these structures were built (1943) there were no provisions requiring them to provide any off-street parking; thus, none was provided. It is impracticable for a vehicle to gain access onto the property due to its location ten feet above the grade level of the surrounding roadways and separation by retaining walls. The Board concurs with the findings and recommendations of the MPO.

13. Advisory Neighborhood Commission 8A, filed no recommendation on the application.

14. There was no opposition to the application.

CONCLUSIONS OF LAW:

The applicant's seeks a special exception to permit a new residential development and for variances from the floor area ratio and lot occupancy requirements.


As to the special exception, the Board concludes that the proposed housing units are an appropriate use for this site. The Board is also aware of the need for housing in this city and the fact that these homes will be sold in fee simple, thereby encouraging the city's policy of home ownership. The Board concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and that it will not affect adversely the use of neighboring property.

As to the variances, the applicant must show a practical difficulty stemming from the property itself. The Board concludes that the report of the MPO establishes that the practical difficulty is inherent in the subject property considering the topographic constraints of the property, the existing retaining walls, the outline of the existing buildings, the surrounding area and the location of the property ten feet above the street elevation. The Board concludes that this relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

Accordingly, it is ORDERED that the application is GRANTED in its entirety.

VOTE: 3-0 (William F. McIntosh, Charles R. Norris and Leonard L. McCants to GRANT, Chloethiel Woodard Smith not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 

STEVEN. E. SHER  
Executive Director

FINAL DATE OF ORDER: 24 OCT 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.